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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,081	09/04/2001	Hideki Ohtsuki	213559US2	1177

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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EXAMINER

KOSTAK, VICTOR R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,081

Applicant(s)

OHTSUKI, HIDEKI

Examiner

Victor R. Kostak

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,11-14 and 17-28 is/are pending in the application.
- 4a) Of the above claim(s) 11-13,24-26 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,14,18-20 and 27 is/are rejected.
- 7) ☒ Claim(s) 9,17 and 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 14 and 27 are now rejected under 35 U.S.C. 102(e) as being anticipated by
Ting et al.

The scaling system of Ting (noting particularly Figs. 1, 2 and 6) involves outputting a video signal (e.g. video production editing: col. 1 lines 15-17) by converting image data from memory comprising a frame (e.g. col. 4 lines 47-51; col. 11 lines 1-5; Fig. 6 steps 600 and 610). A magnification stage 250 (Fig. 2) alters the size of the input image 100, and a controller (internal to computer which executes instructions by software: col. 14 lines 27-36; controlled steps listed in col. 11 line 6 – col. 12 line 2) with stage 210, controls whether or not magnification should be carried out according to the type of image signal applied to stage 250 (e.g. col. 1 line 60 – col. 2 line 22), thereby meeting claims 1, 14 and 27.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 5-7 and 18-20 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Ting et al.

As for claims 5 and 18, Ting applies different respective magnification processes to natural imagery and graphics imagery (e.g. col. 2 lines 45-57), which is a selective process (Fig. 6 step 640; col. 11 lines 35-55), which can be refined (col. 7 lines 8-22).

In view of this, it would have been obvious to one of ordinary skill in the art to allow the user to manipulate the different types of images in a manner that effects one more than the other, moreover such that the size of natural image may be altered and the graphic (artificial) is not, or vice versa, so decided by the user.

As for claims 6 and 19, Ting also accounts for the situation where the two types of imagers may overlap (col. 5 lines 48-50). As discussed above, since the different imagery is scale-processed in different ways, it would have been obvious to manipulate the different types in a manner that effects one more than the other, moreover such that the size of natural image may be altered and the graphic (artificial) is not, or vice versa, as decided by the user.

Regarding claims 7 and 20, it would have been obvious (if not inevitable) to have the condition where the size of the desired output imagery would be the same as the size of the input imagery, which would bypass the need to scale the input (so prompted by the detection of the input frame of image data).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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4. Claims 9, 17 and 21-23 appear allowable over the prior art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348.

The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.

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A handwritten signature in black ink, appearing to read 'Victor R. Kostak', with a stylized flourish at the end.

Victor R. Kostak
Primary Examiner
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VRK